Case 3:73-cv-00127-MMD-WGC Document 2590910 Filed 05/27/04 Page 1 of

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	LANCES WILSON CLERK	
IN THE UNITED STATE FOR THE DISTRIC		
UNITED STATES OF AMERICA,)	
Plaintiff,	,))	
WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125-ECR Subproceeding: C-125-B	
Plaintiff-Intervenor,) Subproceeding, C-125-D	
vs.	REPORT OF THE UNITED STATES OF AMERICA CONCERNING STATUS OF	
WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,) SERVICE ON CERTAIN PERSONS) AND ENTITIES	
Defendants.	,))	

EXHIBITS 92 through 162

269

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There is no EXHIBIT 92

Case 3:73-cv-00127-MMD-WGC Document 2590910 Filed 05/27/04 Page 3 of

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Case 3:73-cv-00127-MMD-WGC Document 2590910 Filed 05/27/04 Page 4 of

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

T.): Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125. Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4 I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date 4-3-63

Signature

Printed Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: TRUSTES of

tle)

Hope LODIE 22 f. A.M

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Frocedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

Case 3:73-cv-00127-MMD-WGC Document 2590910 Filed 05/27/04 Page 5 of

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

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or to the jurisdiction or venue of the Court except for objections based	on a defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons	

Date: \$\B\03

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Printed Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Trustee

e Charles N. Mathewson Irust Atd. 1/22/

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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Case 3:73 cv-00127-MMD-WGC Document 2590910 Filed 05/27/04 Page 6 of

		HED				
2	IN THE UNITED STATES DI FOR THE DISTRICT O	ISTRICT COURT OF 2: 48				
3	UNITED STATES OF AMERICA.	DLEAK				
4	Plaintiff,)				
5	WALKER RIVER PAIUTE TRIBE.) IN EQUITY NO. C-125				
6	Plaintiff-Intervenor.	SUBFILE NO. C-125-B				
7)				
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,)))				
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE				
11	 I hereby enter my appearance in this sub 	n-proceeding in this case.				
12						
13	_	ice Court at the fortest ing address.				
14	Chief Deputy Clerk United States District Court for the					
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501					
16	 In the envelope provided for return of n 	ny Waiver of Service of Notice in Lieu of				
-7	Summons, I am mailing a copy of this document to:					
15	Susan L. Schneider					
19	Attorney for the United States of American United States Department of Justice					
20	Environment & Natural Resources Divi P.O. Box 756	sion				
21	Littleton, Colorado 80160					
22		ting) will retain all defenses or objections				
23	to the lawsuit or to the junsdiction or venue of the cou	irt except for objections based on a defect				
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.					
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent					
25	me in these proceedings. I identify that attorney below, along with his or her mailing address,					
27	telephone number, and facsimile number:					
28						
	NOTICE OF APPEARANCE AND INTENT TO PART	ICIPATE, page 1 of 2				

Case 3: 73-cv-00127-MMD-WGC Document 2590910 Filed 05/27/04 Page 7 of

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20		Obstach Particon
11		(haves n. Mathewson
12		(Printed or typed Name) Trustee of the Charles
13		h. Mathewson Trust
14		(Entity, if any, on whose
15		behalf you are appearing)
15		9295 Probotype Dr.
17		(Address)
18		775-448-0106
19		(Telephone number)
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CE OF APPEARANCE AND INTENT TO PARTICIPATE, page 2 of 2

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Case 3:73-cv-00127-MMD-WGC Document 2590910 Filed 05/27/04 Page 10 of

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date 9/1/03

Signature

Georgia P. Mayre

Printed Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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Case 3:73-cv-00127-MMD-WGC Document 2590910 Filed 05/27/04 Page 12 o

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15		(Entity, if any, on whose behalf you are appearing)	
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17		Hawthorne NU	_
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Case 3:73-cv-00127-MMD-WGC Document 2590910 Filed 05/27/04 Page 13 of

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1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. 9 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 1. I hereby enter my appearance in this sub-proceeding in this case. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 :6 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of Summons, I am mailing a copy of this document to: 13 Susan L. Schneider Attorney for the United States of America : 9 United States Department of Justice 20 Environment & Natural Resources Division P.O. Box 756 Littleton, Colorado S0160 22 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 2 4 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings. I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

Case 3: 73-cv-00127-MMD-WGC Document 2590910 Filed 05/27/04 Page 15 o

1	Attorney:	
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3	Address:	
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11		(Printed or typed Name)
12		(Finited of typed Name)
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14		(Entity, if any, on whose
15		behalf you are appearing)
16	.· •	POBOX 457
: -		(Address)
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: 3		(Telephone number)
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Mail Tax Bill to Grantee: 5 PENROSE LANE YERINGTON, NEVADA 89447

GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

MELVIN V. SNODDY, Trustee of the MELVIN V. SNODDY TRUST as provided in THE MINUTE MAN TRUST dated July 31, 1985

does hereby GRANT, BARGAIN and SELL TO

THOMAS M. ROWE and LILLIAN F. BAKER-ROWE, husband and wife as Joint Tenants with the Right of Survivorship

the real property situate in the County of Lyon, State of Nevada, described as follows:

All that certain real property being a portion of the SW 1/4 of the SW 1/4 of Section 3, T 14 N, R 25 E, M.D.B.&M., Lyon County, Nevada, described as follows:

Commencing at the SW corner of the said Section 3, thence along the South line of the said section, South 89°07'42" East 224.07 feet, thence North 00°04'00" West 27.00 feet to a 5/8" rebar bearing an Al cap marked PLS 4045 and the true point of beginning, thence North 00°04'00" West 336.80 feet to a 5/8" rebar bearing an Al cap marked PLS 4045, thence North 00°04'00" West 185.11 feet to a 5/8" rebar bearing an Al cap marked PLS 4248, thence North 89°44'30" East 162.48 feet to a 5/8" rebar bearing an Al cap marked PLS 4045, thence South 00°04'00° East 525.11 feet to a 5/8" rebar bearing an Al cap marked PLS 4045, thence South 00°04'00° East 525.11 feet to a 5/8" rebar bearing an Al cap marked PLS 4045, thence North 89°07'42" West 162.50 feet to a 5/8" rebar bearing an Al cap marked PLS 4045 to the true point of beginning.

TOGETHER WITH all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainders, rents, issues or profits thereof.

DATED 9-24-95

RONALD T. BANTA, CHARTERED

Abloma; at Les
32 Bootens;—P.O. Box 886

Tempton Newage 80447

Temptons (702) 465-3317

MELVIN V. SNODDY, Trustee

STATE OF NEVADA

COUNTY OF LYON

98.

Oly 10 (L) 00 Notary Public ()

ALYCE M PAGNIELLO
Notary Public - State of Noveda
According Recorded is Lyce County
No. 94 4087-12 - EXPRES JUNE 7, 2002

RECORDERS USE

224597

Title Service & Escrow Go

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City, State YE	Zip 89447-0000
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Map Document #s B	1160823
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	<pre>Dir Street or Other Description Unit #(s)</pre>
Property Location	5 PENROSE LN 3-14-25 FR SW4 SW4
Subdivision	Block Lot
Town	
Property Name	
Remarks	
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Size Total Acres	
Total Acres	1.95 Square Feet 0
Ag Acres	.00 W/R Acres00
	er Functions F12=Cancel F14=Imprvmnts/Appraisal Data
F15=Legal Description	F16=Misc Notes F17=Factoring History F20=Tax Years
F21=Personal Property	F22=Ag Land F23=Exemptions F24=Livestock Counts

Name Name THOMAS M ET AL		Name SNODDY, MELVIN V TRUSTEE	From To 1986 1998
BAKER-ROWE, LILLIAN F	1998	SNODDI, MEDVIN V IROSIED	
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F7=Documents F10=Other Functions F12=Return

11/19/03 LYON COUNTY Document Inquiry DI0200B Document Number.. 022459 Doc Type 2' DEED Block Lot Subdivision..... Legal Desc..... Sect 3 Twnshp 14N Range 25E Base Merid MD Addnl (X).. Descr... SW/SW; METES/BOUNDS L/P/M Map Doc# Map File# Orig Deed Trust.. Notes... Foster Care FEES: Recrdng 7.00 Technology 15.10 St Gen RPTT **83.05** St RPTT Co RPTT Tot Fees: St Mine Non Std Doc 105.15 Exemption# 00 Tot Pmts: PMTS: Cash 105.15 105.15 Ck/Bk# 2545 94-7074 TR Check PARTY 2 (Grantee) Bottom PARTY 1 (Grantor) Bottom SNODDY, MELVIN V. (TRUSTEE) ROWE, THOMAS M. SNODDY, MELVIN V. TRUST BAKER-ROWE, LILLIAN F.

F12=Return Roll U/D (Page U/D or F7/F8) F15=Display Document

LYON COUNTY Documen	t Inquiry	11/19/03	3 DI0200B
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Subdivision		Lot	Block
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Notes			
	Technology	Foster Care	
Co RPTT 1.10	St RPTT .20	St Gen RPTT	
Non Std Doc	St Mine	•	Tot Fees:
Exemption# 00			8.30
PMTS: Cash	21 (2) "	m.D	Tot Pmts:
Check 8.30	Ck/Bk#	TR	8.30 Bottom
<pre>PARTY 1 (Grantor)</pre>		RTY 2 (Grantee)	BOCCOM
DYE, MARVIN V.	SNOL	DY, MELVIN V.	
DYE, KATHLEEN M.			

F12=Return Roll U/D (Page U/D or F7/F8) F15=Display Document

170 certificate 20. 26673 30 15 Page 16473 Permit Bo. Case 3:73-cv-00127-MMD-WGC Document 2590910 Filed 05/27/04 Page 21 o

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. .

CHATTECATE OF APPROPRIATION OF WATER

MANUALL, Bruce S. Rice, Agent has presented to the State Engineer of the State of Neveds Proof of Application of Water to Nemeficial line, from an underground source through a drilled wall, pump and distribution system for Commercial and Domestic purposes. The point of diversion of water from the source is as follows:

> set set Section 3, 7.168., 8.238., M.D.S.M., or at a point from which the SF corner of said Section 3 beers S. 65"39"39" W., a distance of 201.05 feet situated in Lyon County, State of Syrada.

NOW KNOW TR. That the State Engineer, under the provisions of MRS 533.425, has determined the date, source, purpose, assumt of appropriation, and the place where such unter is appurtment, as fallem:

Name of appropriator: Nelvin V. Smeddy

Source:

. .

Indocurrent .

Hanner of Teet

Commercial and Demostic

Assumt of appropriation: 0.026 c.f.s., but not to encode 2.00 acro-foot commally

Period of upo:

James y 1st to December 31st of each

Date of priority of appropriation:

*June 17, 1964

Description of the works of diversion, summer and place of use:

Unter is developed by terms of a drilled well, 362 feet deep, 8 5/8 inch coring, via top 2 S.P. sunhersible purps to a 900 gallon paramete tank, themse through a distribution system to a restaurant and survey for commercial purposes leasted within the 500 500 500 500 of Section 3, 7.148., 2.358., M.D.S.M.

Whis cortificate changes the point of diversion, place of use and commer of use of a portion of Permit 10536, which changed the point of diversion and place of use of Permit 41016, which changed the point of diversion, place of use and conner of use of a portion of Permit 22016, Cortificate 6219, therefore, the date of priority remains the same as Permit 22000, Cortificate 6119.

This certificate is issued subject to the terms of the permit.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth hereis.

IN TESTINORY WEREOF, I. R. MICHAEL TURNIPSEED, State Engineer of Neveds, have becounto set my hand and the seal of my

office, this 2nd day of December, A.D. 1996.

cms/sb

Case 3:73-cv-00127-MMD-WGC Document 2590910 Filed 05/27/04 Page 23 o

2							
(1)		TES DISTRICT COURT RICT OF NEVADA					
4		<u> </u>					
5	UNITED STATES OF AMERICA.						
6	Plaintiff,	In Equity No. C-125-ECR Subfile No. C-125-B					
7	WALKER RIVER PAIUTE TRIBE.						
æ	Plaintiff-Intervenor.)						
9	v.)	RELATED INFORMATION AND DOCUMENTATION SUPPORTING					
10	WALKER RIVER IRRIGATION	DISCLAIMER					
11	DISTRICT.						
12	a corporation, et al.,						
13	Defendants.)						
14							
15							
16	The undersigned counter-defendant in the	ne above action hereby notifies the Court and the					
	United States that the undersigned (or the entity on whose behalf the undersigned is acting) has no interest in any water right within the categories set forth in Paragraph 3 of the Case						
17							
18	Management Order (Apr. 18, 2000) and, there						
19							
20	This disclaimer and notice shall be sent	to the following two persons:					
21	Linda Lea Sharer, Chief Depun						
22	United States District Court for 400 South Virginia Street, Suite						
ļ	Reno. N. 89501						
23	<u>And</u>						
24		,					
25	Susan L. Schneider United States Department of Ju	stice					
26	P.C). Box 756						
27	Littleton, CO 80160						
28	In addition, because the undersigned sol	d or otherwise conveyed ownership of all of the					
∠ ≎							
	DISCLAIMER OF WATER RIGHTS AND NOTICE	OF RELATED INFORMATION, page 1 of 4					

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water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once 2 owned before the under signed was served with a Waiver of Service of No ice in Lieu of 3 Summons or by a Notice in Lieu of Summons, the undersigned provides the following 4 additional information: 5 The name and address of the party or parties who sold or otherwise conveyed 1. 6 ownership: 7 Name(s): Metcalf Builders, Inc. c/o Allison, MacKenzie, Russell, 8 Pavlakis, Wright & Fagan 9 402 N. Division Street Street or P.O. Box: 10 Town or City: Carson City 12 13 State: Nevada 14 15 Zip Code: 89703 1€ The name and address of each person or entity who acquired ownership 18 Irving Maxon Chase - Trustee of the Irving Maxon Name(s). - 9 Chase Living Trust 20 21 Street of P.O. Box: 283 Rock Creek Road 22 23 Town or City: Emmigrant 24 25 Sum: Montana 26 27

59027

Zip Code:

28

Case 3:73-cv-00127-MMD-WGC Document 2590910 Filed 05/27/04 Page 25 o

2	!		
3	3.	Attached to or	included with this notice is a copy of the icheck appropriate
4	box(es)):		
-			·
6		<u>x</u>	Deed
7			Court Order
8			Other Document.
9			
10	by which the	change in own	ership was accomplished.
	4.	The undersig	ned acknowledges that any person or entity who files a Disclaimer
12	of Interest in	this matter is u	ltimately responsible for the accuracy of this filing. Consequently,
13	the undersign	ned acknowledg	es that any person or entity who files a Disclaimer of Interest, but,
14	in fact, has w	vater rights subj	ect to this litigation, shall nevertheless be bound by the results of
- · 15	this litigation	n.	
16			
- -	Exec	uted this <u>23rd</u>	d day of October 2003.
:8			Allison, MacKenzie, Russell,
19			Pavlakis, Wright & Fagan, Ltd.
20			By: In Medi
2:			CHRIS MackENZIE, ESQ. Attorneys for Counter-defendant,
22			METCALF BUILDERS, INC.
23			
24	[-		
25			
26			
z -			
2 E			
	Disclaime	R OF WATER RI	GHTS AND NOTICE OF RELATED INFORMATION, page 3 of 4
į			

APN 10-642-08

Emmigrant, MT 590

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GRANT, BARGAIN, and SALE DEED

THIS INDENTURE WITNESS that METCALF	BUILDERS, INC.
do hereby GRANT BARGAIN SALE and CONVEY to: IR IRVING MAXON CHASE LIVING TRUST	
(nereinafter called GRANTEE(S)) all that real property situal County of Lyon	
bounded and described as follows: recreating a macriminal and described as	
1.11 acres situated in a portion of the NR. 23E., M.D.M. also being Parcel B. as s "A Parcel Map for the Compston Family Tru Records, State of Nevada. Water Rights On Water Resources, State of Nevada, City of	W 1/4 SE 1/4 of section 2, T.10N., hown on that certain map entitled st" File No. 190035, Lyon County ly. Permit #63781. Division of
Together with all singular hereditament and appurtenances	hereunto belonging or in any way appertaining to.
IN WITNESS WHEREOF, I/We have hereunto set my hand/o	our hand(s) this 24 day of MARCH , 20 03
Signature of Grantor	Signature of Grantor
Thomas R. Metcalf Print or type name here	Print or type name here
STATE OF NEVADA COUNTY OF DOUGLAS	
This instrument was acknowledged before me on (see)	
Notary Public Notary Public My commission expires: June 20, 2005	(Applay Stante) No. 1972 (1972) No. 19
RECONDING REQUESTED BY AND MAIL TAX STATEMENT TO	PLEASE RECORD IN ORDER 2 of 2 293956
Address: 283 Rock Creek Road City/State/Zip: Eumigrant, Mr 59027	DEFISIAL RECUROS LYON COUNTY, NEV. RECORD REQUESTED BY METCRIF BUILDERS TO A DU LE 54
DED105 Neverth Caption of the Control of the Contro	O3 APR -4 PM 4: 54 REAL C. FILLIGAN COUNTY RECORDER 14 24 19988 SS 151 S822 777 151

Case 3:73-cv-00127-MMD-WGC Document 2590910 Filed 05/27/04 Page 27 o

Exhibit 981

Case 3:73-cv-00127-MMD-WGC Document 2590910 Filed 05/27/04 Page 28 of

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

	Spring M. Chase	_
Date: 4/19/2004	Signature J	
	Irving M. Chase	_
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify	that you are
	acting as:Trustee	of
	(Title)	
	<u>Irving M. Chase Trust</u>	-
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

Case 3:73-cv-00127-MMD-WGC Document 2590910 Filed 05/27/04 Page 29 of

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 8/16/63

Signature

Printed Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

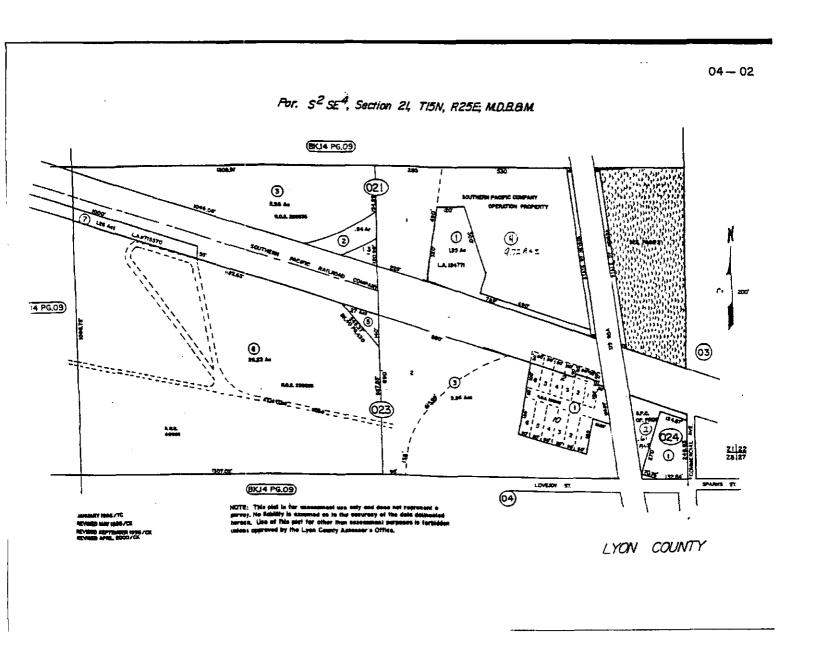
Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff there the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

Parcel Number 004-023-01 Ownership 3:73-cv-001 77-MMD-WGC Document 25 Owner Willer, EDMUND ARTHUR & LINDA 8/20/02 , LORRAINE Last Updated Legal Owner.... Assessed Owner..... MILLER, EDMUND ARTHUR & LINDA Mail Address..... 265 N HWY 95A Zip... 89447-0000 City, State..... YERINGTON, Vesting Doc #, Date. 220775 7/01/98 Yr, Bk, Pg 00 000 000 Corr Rq'd Map Document #s..... RS181243 Description (Fll=Additional Locations) $^-$ Dir Street or Other Description Unit #(s) Property Location ... 265 N HWY 95A FR 1-6 BL 2 ALL BL 10 Lot... Subdivision..... Block.... WABUSKA Town...... Property Name..... SEE NOTES F16 ON DOC 220830 Remarks..... Parcel # Containing Descriptive/Document Data.... 2.28 Total Acres... Square Feet.... .00 W/R Acres..... .00 Aq Acres..... F9=Scan >/< > F10=Other Functions F12=Cancel F14=Imprvmnts/Appraisal Data F15=Legal Description F16=Misc Notes F17=Factoring History F20=Tax Years

F21=Personal Property F22=Ag Land F23=Exemptions F24=Livestock Counts

	1 Number 004-023-01 Owner MIL			
Locat	ion 265 N HWY 9 FR 1-6 BL	2 ALL BL 10	r'own WABUSKA	
, "Do.c.u Type	ments 3:73-cy-00127-MMD-WGC	Document 259	00910 Filed B	5/27/07/Pede 31 (
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BAD	BOJNDARY ADJUSTMENT DEED VEIL, MARY I	Cost 90604	1/11/85	<u> </u>
BAD	BOUNDARY ADJUSTMENT DEED VEIL, MARY I	Cost 90605	1/11/85	<u>-</u>
	BOUNDARY ADJUSTMENT DEED VEIL, MARY I	Cost 165866	11/02/93	
GRA	GRANT DEED	Cost	3/13/39	
DED	DEED (OLD RECORDS)	30-154 Cost		
ROS	VEIL, JOHN RECORD OF SURVEY		4/18/95	
AFF	VEIL, JOHN ET AL AFFIDAVIT TERM JOINT TENANCY	181994 Cost	5/11/95	
GBS	MILLER, MITCHELL E & ROBIN B	181995	5/11/95 55,000	
QCD	GRANT BARGAIN SALE DEED MILLER, EDMUND ARTHUR & LINDA	Cost 220775	7/01/98	
F9=Sc	can >/< > M DEED	Cost		
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Preliminary Data - Subject to Revision

Case 3:73-cv-00127-MMD-WGC Document 2590910 Filed 05/27/04 Page 34 o

Order No.	RPTT - Exempt #11 and \$4	17.45
Escrow No	APN 4-023-01	
WHEN RECORDED, MAIL		
EDMUND MILLER		
P.O. BOX 92		
SAITH, NV 89430		
	Space above this line for rec	order's use
	QUITCLAIM DEED	
	RATION, receipt of which is acknowle	
MITCHELL ES	WARD MILLER & ROBIN	ANN BERTA- MILLER
140	SBAND A WIFE	
do(es) hereby RELEASE AND		
	THUR MILLIER & LIN	NA MILLER
	of WIFE as Scint Tenm	
_	. —	el property situate in the County of
		- , ,
All that certain re 15 M, R 25 E, M.D.B	al property baing a portion of the second of the second country, Nevada, descr	ne SE 1/4 of SE 1/4 of Section 21, T
21 Township 15 North No. 38073 bears Sout No. 38073 bears Sout Block 10 and as extiline of the Southern feet to the Mesterly line North 17 18 11 Sasterly line of Lol to the Southerly rigi South 72 41 49 Fasilit is shown on the sheets, theate along a curve to the right central angle of 8 0 1 44 50 West 21.55 along said line North 10, therce along the	Atom Redords, from which point it, Range 25 East, H.D.M. as the man h 34"13"12" Mest 1,708.52 feet, tended North 17"18"11" East 300.00. Pacific Railroad, thence along sid 1 ins of Lot 2, of 8 Block 2, of the Fast 10.00 feet, thence South tl. Block 2, thence along said 1 http fway line of the Southern Pacit 30.00 feet to the Hesterly right 1934 Plan of Routs 28, Lyon Courthe Hesterly right of way line of with a tadius of 965 feet and 19"13" and chord bearing South 2"1 feet to the North line of Block 10 http://doi.org/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1001/10.1	the Townsite of Wabuska as shown on a South 1/4 section corner of Section me is shown on Record of Survey File mence along the Westerly line of said feat to the Southerly right of way aid line South 77*41'49" East 200.00 a Town of Wabuska, thence along said 77'41'49" East 100.00 feat to the ine South 17'18'11" West 10.00 feat to the fic Railroad, thence along said line to fwy line of US 95 Alternate sety, Section A, Sheet No. 13 of 142 f U.S. Highway 95 Alternate, throughingth of 137.33 feat subtended by a 9'47" East 137.21 feat, thence South of Habuska Townsite extended, thence a Northeasterly corner of said Block 17'18'11" West 150.00 feat to the line of Block 10 North 72'41'49" West
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STATE OF NEVADA)	
County of Clym	; 35.)	
on June 23,1948	personally	
appeared before me, a Note Militariell E / Ni	personally ary Public, 162 E 71: 1182	
KODIN PSERTA 1	Minel	
who acknowledged that .f. strument.	he.x. executed the above In-	-
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Approved 5 - 2 Denied Date due	2-96 PROOF	D.07	PRO COMI	OOF OF PLETION	PROOF BENEFICIA	OF AL USE	CULTURAL	MAP
Approved 5 - 2 Denied Date due Ist extension	2-96 PROOF	D . 07	PRO COMI	OOF OF PLETION	PROOF BENEFICIA	OF AL USE	CULTURAL	MAP
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Case 3:73-cv-00127-MMD-WGC Document 2590910 Filed 05/27/04 Page 36 o

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons

Date: 08/18/03

Printed Typed Name

If you are acting on behalf of any entity, in entity that you are MINERAL

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose benalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date 0 180

Signature

Printed Typed Name

If you are acting on behalf of any entity, identify that you are-

acting as

news county / Ve

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a pluintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

SPECIAL HYDROGRAPHIC ABSTRACT

	e 3:73-	cv-00	127-MMD-WOC	Document 259091	10 Filed 05/27/04 Pa	 - ge 38 o
Run Date:	OWNER OF RECORD	HARARIS, JOHN MOODY HAAAIS, JOHN MOODY HARRIS, JOHN MOODY SCHWINEGRUBER, EDITH M	way Moss		10 Filed 05/27/04 Pa	R
	ANNUAL DUTY UNIT	480.00AFA DO 0.00 DO 0.00 DO 0.00 CI.	9			
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SPECIAL HYDROGRAPHIC ABSTRACT	OINT OF DIVERSIG	NE SW 02 13N 20E NE SW 02 13N 20E NE SW 02 13N 20E SW NW 11 19S 59E	;			Preliminary Data - Subject to Revision
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ame LIKE "» MOODY	FILING DATE STAT	08/27/1956 CAN 04/03/1957 CAN 08/27/1956 CAN 10/17/1977 CAN				
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Selection Criteria:	7	105 17030 17230 17301 212 34215			Exhibit 102	

Parcel # 1022-17-002-0	006 Prior Parc # 37-520-060 Changed 5/17/	01
Last Chg 11/14/02 By	ASI LLY	
Ownership 3.73-cv-00	127-MMD-WGC Document F25-00 000 Filed 05/2000 000 Force Assmt Notice	39 are
Legal Owner	KOTTKE LIVING TRUST Force Assmt Notice	. –
TABBEBBCG OWNER TOTAL T	KOTTKE, DENNIS L & DIANE V	
Mail Address		
	1708 WESTWOOD DR	
	MINDEN, NV Zip 89423	_
	547504 7/19/02 Yr, Bk, Pg 02 007 05755 Corr Rq'	d _
Map Document #s		\
Description	# Dir Street or Other Description Type Unit #(
Property Location	# Dir Street or Other Description Type Unit #(1574 OLYMPUS DR	, S)
	HOLBROOK BUSINESS PARK Block Lot	;
	TOPAZ	
Property Name	LIGHT MFTG	
Remarks		
Parcel # Containing De	escriptive/Document Data	
Size	-	
Total Acres	4.99 Square Feet0	
Ag Acres	.00 W/R Acres00	
	ther Functions F12=Cancel F14=Imprvmnts/Appraisal D	
	F16=Misc Notes F17=Factoring History F20=Tax Ye	
FZI=Personal Property	F22=Ag Land F23=Exemptions F24=Livestock Cou	nica

REDSNAME

DOUGLAS COUNTY RECORDERS OFFICE

11/14/03

11:42:41 DOWNS: 73 PEV-00 PEZ7-MMD-WGC Document 2590910 Filed 05/27/04 Page 40 of DATE RECORDING: 7/19/2002

DATE RECORDING:

BOOK NUMBER: 0702 RECORDERS FEE1: 14.00

5755 IRS LIEN AMT: PAGE NUMBER:

REAL PROP. TRANS.TAX: 344.50 DOCUMENT NUMBER: 547504

PARCEL NUMBER: 1022-17-002-006 REFERENCE:

PARTY	PARTY NAME	
1	KRANTZ, KATHRYN L	
1.	PETERMAN, KATHRYN L	
1.	PETERMAN, STEVEN	
2	KOTTKE LIVING TRUST 4/1/96	
2	KOTTKE, DENNIS L TRUSTEE	
2	KOTTKE, DIANE V TRUSTEE	

F1=RETURN

ENTER=PREVIOUS SCREEN